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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,691	10/03/2003	Christian Mueller	ITC-338US	9956

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P O BOX 980  
VALLEY FORGE, PA 19482-0980

EXAMINER

KOBERT, RUSSELL MARC

ART UNIT PAPER NUMBER.

2829

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/678,691

Applicant(s)

MUELLER, CHRISTIAN

Examiner

Russell M. Kobert

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 18 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2829

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8, 10-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kerschner et al (4993136).

Kerschner et al anticipates an apparatus and method for establishing a distance between a test head and a peripheral, comprising:

A frame (col 5, ln 31-33) which is coupled to one of the test head (col 5, ln 46-55; lower probe plate 42 attached to frame is also attached to a test head) and the peripheral (11); and

A plurality of linear units (16) for causing adjustable movement of the frame towards or away from a docking surface of said test head and said peripheral to change the distance (col 7, ln 28-50);

An actuating member (20, 20a, 19 and 18) which, when activated, causes actuation of the plurality of linear units to cause adjustable movement of the frame;

The frame preventing the test head and the peripheral from being closer to each other than said distance (inherent operation of the frame disclosed in Kerschner et al),

Wherein, at said distance, the test head and the peripheral communicate (col 5, In 56-66; also a test head is inherently designed to communicate with a probe plate); as recited in claims 1 and 12.

As to claims 2 and 13 having one of the test head and the peripheral coupled to alignment features for docking the one of the test head and the peripheral with the other of the test head and peripheral is anticipated by Kerschner et al (the combination of assemblies 12, 14, 40 and 42 provide alignment features for docking the test head and the peripheral).

As to claims 3 and 14 having the linear unit including one of a male (16) and female (18) threaded member attached to the other of the test head and peripheral is anticipated by Kerschner et al.

As to claims 4 and 15 having the frame including the other of the male (16) and the female member (17) threaded member is anticipated by Kerschner et al.

As to claims 5 and 16 having one of the male and female threaded member rotated in order to move the frame towards or away from the docking surface of the other of the test head and the peripheral is anticipated by Kerschner et al (col 7, In 39-50).

As to claims 6 and 17 having the other of the male and female member rotated in order to move the frame towards or away from the docking surface of the other of the test head and the peripheral is anticipated by Kerschner et al (inherent to the dynamic relationship between members 16 and 17).

Art Unit: 2829

As to claims 8 and 19, having the linear unit as one of a plurality of linear units to move the frame is anticipated by Kerschner et al (note plurality of linear units 16 shown in Figure 1).

As to claims 10 and 20 having a crank (20a) rotated to cause the plurality of linear units to move the frame is anticipated by Kerschner et al.

As to claims 11 and 21 the docking surface (probe plates 40 and 42) between the frame and one of the test head and the peripheral is anticipated by Kerschner et al.

4. The following is a statement of reasons for the indication of allowable subject matter:

Claims 7, 9, 18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The added limitations of the linear unit coupled to a detent plate having a detent wherein the detent plate is coupled to the other of the test head and the peripheral, a lever is coupled to the frame and the lever engages the detent to indicate the frame is in an intended position relative to the other of the test head and the peripheral as further described in claims 7 and 18 have not been found.

It is further noted that the examiner's reasons are understood to be predicated upon consideration of each of the claims as a whole, and not upon any specific elements of the claims.

Art Unit: 2829

5. A shortened statutory period for response to this action is set to expire three month(s) from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (571) 272-1963. The Examiner's Supervisor, Nestor R. Ramirez, can be reached at (571) 272-2034. For an automated menu of Tech Center 2800 phone numbers call (571) 272-2800.



Russell M. Kobert  
Patent Examiner  
Group Art Unit 2829  
November 29, 2005



VINH NGUYEN  
PRIMARY EXAMINER

A.U. 2829  
12/08/05